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TO AMEMBASSY CANBERRA PRIORITY

AMEMBASSY SAIGON

AMEMBASSY BANGKOK

AMEMBASSY MANILA

AMEMBASSY PHNOM PENH

AMEMBASSY VIENTIANE

AMEMBASSY TAIPEI

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USLO PEKING

AMCONSUL HONG KONG

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TAGS: PFOR, XC, US

SUBJECT: TAD SZULC ARTICLE, "VIETNAM - THE SECRET RECORD"

FOLLOWING IS SUMMARY OF LENGTHY SZULC ARTICLE JUST
PUBLISHED IN "FOREIGN POLICY" MAGAZINE. SZULC PRESENTS
RECONSTRUCTION ALLEGEDLY BASED ON PREVIOUSLY UNPUBLISHED
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ACCOUNTS OF NEGOTIATIONS SECRET STATE DEPARTMENT DOCUMENT

PROVIDING INTERNAL U.S. INTERPRETATION OF PARIS AGREEMENT AND "FRESH INSIGHTS" INTO U.S. NEGOTIATION POSITION.

A. RECONSTRUCTION INCLUDES THESE HIGHLIGHTS:

1. U.S. HAS MADE SECRET COMMITMENTS TO NVN MOST OF WHICH UNFULFILLED, TO IMPLEMENT PARIS AGREEMENT. MOST IMPORTANT COMMITMENT COVERED REMOVAL OF U.S. CIVILIANS IN SVN SUPPORTING SVN FORCES. SIMULTANEOUSLY, U.S. SECRETLY COUNSELED SAIGON HOW TO GET AROUND VARIOUS RESTRICTIONS.
2. EXCEPT FOR ONE POINT U.S. AND NVN AGREED ON AID TO HANOI FOR RECONSTRUCTION IN MARCH '73. U.S. SHELVED AGREEMENT BECAUSE OF COMMUNIST TRUCE VIOLATIONS.
3. U.S. MILITARY AID TO SVN IS COORDINATED THROUGH "COVERT" SECTION IN EMBASSY DAO OFFICE WITH OVER 100 PERSONNEL REPORTING TO US MILITARY HQ IN THAILAND.
4. THE REAL TURNING POINT IN NEGOTIATIONS CAME DURING HAK'S SECRET VISIT TO MOSCOW IN APRIL '72 WHEN HE INDICATED TO BREZHNEV THAT U.S. IN EFFECT NO LONGER DEMANDED WITHDRAWAL OF NVA. AS LATE AS AUGUST, HE ENCOURAGED THIEU TO PREPARE TO INVADE NVN AFTER U.S. ELECTIONS. ONLY IN OCTOBER DID HE ACKNOWLEDGE TO THIEU THAT U.S. NO LONGER DEMANDED NVA WITHDRAWAL.
5. HAK ALSO MISLED LON NOL IN OCTOBER '72 WHEN HE CLAIMED HE HAD DRV ASSURANCES FOR SIMULTANEOUS C-F IN CAMBODIA AND VIETNAM. SECRET DEPARTMENT "INTERPRETATION DOCUMENT" DISCLOSES THAT ARTICLE 20 OF PARIS AGREEMENT WAS DELIBERATELY DRAFTED TO PERMIT U.S. AIR OPERATIONS OVER CAMBODIA AND LAOS UNTIL CEASEFIRE THERE AND WITHDRAWAL OF FOREIGN TROOPS.

B. AROUND JANUARY 20, 1972, WH, ALARMED BY NVN BUILDUP AND CONTINUED SILENCE RE NEGOTIATIONS, DECIDED TO "GO PUBLIC" WITH OCTOBER '71 U.S. PROPOSAL AND DISCLOSURE OF PRIVATE HAK SESSIONS WITH COMMUNISTS SINCE 1969. BITTER UNCLASSIFIED

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POLEMICS WITH NVN ENSUED AFTER PRESIDENT'S JANUARY 25 SPEECH. THERE FOLLOWED SEVERAL EXCHANGES CONCERNING DATE FOR RESUMPTION OF TALKS, WITH HANOI AGREEING ON MARCH 31 TO RESUME APRIL 24. MEANWHILE, NVA OFFENSIVE WAS LAUNCHED MARCH 30. WHEN SCOPE OF OFFENSIVE WAS RECOGNIZED, CONCERN DEVELOPED IN WH AND DEEPENED WITH BELIEF THAT U.S. MUST INTERVENE MASSIVELY TO SAVE GVN. QUESTION WAS HOW TO DO SO WITHOUT DESTROYING CHANCES FOR MOSCOW SUMMIT SCHEDULED

FOR MAY. PRESIDENT SENT HAK TO MOSCOW APRIL 20 ON MISSION SO SECRET IT WAS APPARENTLY KEPT EVEN FROM AMBASSADOR BEAM WHILE HAK AND STAFF MET BREZHNEV OUTSIDE MOSCOW.

HAK HAS STILL NOT MADE PUBLIC FACT THAT THESE SESSIONS PRODUCED FIRST MAJOR TURNING POINT IN VN NEGOTIATIONS. HE TOLD "ASTONISHED" BREZHNEV THAT U.S. WILLING TO ACCEPT CEASEFIRE IN PLACE IN EXCHANGE FOR DEPARTURE OF THOSE NVA FORCES WHICH HAD ENTERED SVN AFTER BEGINNING OF OFFENSIVE. THIS WAS FIRST TIME U.S. "EXPLICITLY" AGREED TO LET ANY NVN FORCES STAY IN SOUTH; MATTER HAD BEEN LEFT DELIBERATELY AMBIGUOUS IN OCTOBER '71 PROPOSAL. SPEAKING WITH BREZHNEV, HAK LINKED THIS SECRET OFFER WITH INSISTENCE THAT HANOI STOP DEMANDING THIEU'S REMOVAL BEFORE ANY AGREEMENT. BREZHNEV AGREED TO TRANSMIT "NEW FEATURE" TO HANOI TO ESTABLISH BASIS FOR RESUMING SECRET NEGOTIATIONS.

AFTER HAK RETURNED WASHINGTON, WORD CAME THAT HANOI WAS READY FOR SECRET MEETING IN PARIS MAY 2. BUT SVN

MILITARY SITUATION HAD DETERIORATED SO BADLY THAT NIXON AND HAK BEGAN TO PLAN BOMBING AND MINING OPERATION AGAINST NVN. HOWEVER, HAK ARRIVED PARIS AROUND MAY 2 UNDER SECRET COVER AND MET THO FOR NEARLY FOUR HOURS IN MEETING WITHOUT RESULTS. ON MAY 6 HAK CONDUCTED PREPARATORY MEETING ATTENDED BY HAIG, GEORGE CARVER OF CIA, SONNENFELDT, AND HOLDRIDGE PLUS NSC STAFF TO DISCUSS OPERATION AGAINST NVN. FULL NSC MEETING MONDAY MAY 8 HEARD LAIRD AND ROGERS ARGUE AGAINST BOTH BOMBING AND MINING; HELMS APPEARED TO HAVE LITTLE ENTHUSIASM; WHILE CONNALLY AND AGNEW STRONGLY FAVORED ACTION. PRESIDENT'S ADDRESS TO NATION ANNOUNCING DECISION THAT NIGHT NOTABLY OMITTED ANY SUGGESTION THAT NVA WITHDRAWAL FROM SOUTH WAS REQUIRED AS CONDITION TO UNCLASSIFIED

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CEASE BOMBING AND MINING. THIS WAS PART OF "STICK AND CARROT" POLICY TO ACHIEVE ACCEPTABLE SETTLEMENT DURING ELECTION YEAR. U.S. POSITION HAD NOW BECOME THAT CEASEFIRE IN PLACE WAS TO FOLLOW END OF FIGHTING, AND SAIGON WOULD HAVE TO COPE WITH "LEOPARD SPOT; SITUATION.

C. WH GAMBLED THAT RUSSIANS WOULD NOT CANCEL THE SUMMIT AND WON. NIXON FLEW TO MOSCOW ASSURED THAT BREZHNEV WISHED TO BE HELPFUL. THRUST OF DISCUSSIONS IN MOSCOW WAS THAT DETENTE WAS MOVING AHEAD. AT MEETING WITH GROMYKO MAY 25, HAK TOLD HIM THAT U.S. AIR ACTION OVER NVN DID NOT HAVE TO CONTINUE UNTIL ALL POW'S RETURNED. THIS WAS ABRUPT DEPARTURE FROM POSITION IN PRESIDENT'S MAY 8 SPEECH, WITH HAK PRODUCING A "SECRET" DIPLOMATIC TRACK AT VARIANCE WITH THE PUBLIC POSITION.

HAK'S SECOND "DIPLOMATIC BOMB" WAS STATEMENT THAT U.S. WAS PREPARED TO BACK TRI-PARTITE ELECTORAL COMMISSION IN SVN. NET EFFECT WAS THAT U.S. MADE CLEAR ITS PRIVATE NEGOTIATING POSITION WAS INFINITELY MORE FLEXIBLE THAN PUBLIC POSTURE. ON MAY 30, NIXON AND BREZHNEV AGREED THAT PODGORNYY WOULD GO TO HANOI TO PASS ON HAK'S VIEWS.

D. ON JUNE 16 WHILE PODGORNYY WAS IN HANOI HAK FLEW TO PEKING TO BRIEF CHINESE. HAK ATTEMPTED TO OBTAIN SAME HELP FOR MEDIATION FROM CHINESE AS HE WAS GETTING FROM RUSSIANS, BUT CHOU WAS LESS RESPONSIVE. CHOU SAID PRC WOULD NOT PRESS HANOI, EVEN THOUGH IT DID NOT NECESSARILY APPROVE OF NVN STRATEGY OF INVADING SOUTH WITH CONVENTIONAL FORCES. DESPITE CHOU'S RETICENCE, THERE ARE INDICATIONS THAT PRC MADE A MAJOR CONTRIBUTION. MAO TOLD FRENCH FOREIGN MINISTER SCHUMANN IN JULY THAT HE ADVISED MADAME BINH TO DESIST IN DEMANDS FOR THIEU'S RESIGNATION AS PRE-CONDITION. MAO INFORMED SCHUMANN THAT

HE HAD EXPLAINED THAT COMPROMISE WAS ADVISABLE IN CERTAIN TACTICAL SITUATIONS.

E. HANOI AGREED TO SECRET HAK - THO MEETING JULY 19 BUT SESSION PRODUCED NO REAL RESULTS. AFTER SESSION WITH THO, HAK FLEW TO SAIGON TO PREPARE THIEU FOR SETTLEMENT. HE REMINDED THIEU OF APPROACHING U.S. ELECTION, SAID ADMIN UNCLASSIFIED

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MUST PREVENT MCGOVERN FROM MAKING IT APPEAR THAT SAIGON BLOCKING PEACE, SO MUST MAKE SEEMINGLY ATTRACTIVE PROPOSALS, KNOWING THAT HANOI WOULD REJECT THEM. MATTER OF TRIPARTITE ELECTION COMMISSION, OFFERED TO RUSSIANS, WAS NOT BROACHED TO THIEU. HAK APPARENTLY MADE EXTRAVAGANT PROMISES THAT IT WOULD BE A "DIFFERENT STORY" AFTER THE ELECTIONS WHEN U.S. WOULD NOT HESITATE TO USE FULL POWER TO BRING NVN TO ITS KNEES, AND ADVISED THIEU TO START PLANNING FOR INVASION OF NORTH. THIEU APPEARED NONPLUSSED SINCE HE PREVIOUSLY URGED INVASION BUT COULD ENLIST NO U.S. SUPPORT AND DROPPED IDEA.

HARD TO JUDGE IF HAK WAS PLAYING DOUBLE GAME OR WHETHER HE BELIEVED THAT BLOW TO HANOI LATE IN YEAR WOULD INDUCE SVN TO GO ALONG WITH PEACE PROPOSALS. PERHAPS HE WAS DECEIVING THIEU, BUT HE BELIEVED IN GIVING SVN A "DECENT INTERVAL" AFTER C-F AND THIS MEANT CRIPPLING THE NORTH. AS EARLY AS JULY HE APPEARED TO HAVE TIME SEQUENCE FIRMLY SET IN MIND. HE WAS OPTIMISTIC THAT WITH QUIET RUSSIAN AND CHINESE SUPPORT AND STALLING OF N.VIET OFFENSIVE, HANOI WOULD MEET HIM HALFWAY SOON - MEANING DECISION TO WIND UP CONFLICT WITHOUT INSISTENCE ON THIEU'S ELIMINATION.

AS HE FLEW TO SAN CLEMENTE, HAK'S PROBLEM WAS TO SELL PRES. ON COURSE OF ACTION AND TO FORCE THIEU TO FACE REALITY AND ENDORSE NEW U.S. DIPLOMATIC STANCE. THIEU WAS TO BE GIVEN MAXIMUM MILITARY ADVANTAGE BEFORE C-F.

F. HAK HELD PRIVATE TALKS WITH THO IN PARIS AUG. 1 AND 15 BUT SUBSTANCE NOT REVEALED. HAIG WAS SENT TO SAIGON TO GET THIEU CONCURRENCE ON TRIPARTITE COMMISSION AND QUICKENED U.S. WITHDRAWAL. THIEU WAS ADAMANT, TOLD HAIG HE DID NOT SEE WHY TRIPARTITE COMMISSION NEEDED, WORRIED THAT COMMISSION WOULD TRANSFORM ITSELF INTO COALITION GOVT., AND PROPOSED A REFERENDUM IN SVN TO DETERMINE POLITICAL FUTURE. HAK VISITED MOSCOW AGAIN BEFORE NEXT MEETING WITH THO ON SEPT 15, WHERE RUSSIANS SAID THEY THOUGHT THAT AMBIGUOUS NEW VC PROPOSAL, MADE IN PARIS SEPT 11, MEANT THAT C-F WOULD BE ACCEPTABLE WITHOUT REMOVING THIEU.

MEANWHILE, DRAMA WAS DEVELOPING BEHIND SCENES IN SAIGON. HAK WANTED TO PRESENT PROPOSAL TO THO ON SEPT 15
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FOR TRIPARTITE COMMISSION, AGREED TO BY BOTH WASHINGTON AND SAIGON. BUNKER ADVISED HAK THAT THIEU REJECTED TRIPARTITE COMMISSION PROPOSAL. HAK DECIDED THAT TIME HAD COME TO ACT UNILATERALLY, ASKED FOR AND RECEIVED NIXON'S OK TO TELL THO THAT U.S. WOULD STAND FIRM ON ELECTORAL COMMISSION QUESTION REGARDLESS OF THIEU'S VIEWS. HAIG PRIVATELY COMPLAINED THAT HAK WAS GIVING AWAY TOO MUCH. NIXON-HAK DECISION WAS MAJOR TURNING POINT - FOR FIRST TIME NIXON WAS READY TO MAKE MAJOR OFFER TO HANOI WITHOUT THIEU'S CONCURRENCE, AND IN FACE OF HIS OUTRIGHT OPPOSITION.

G. HAK MET THO IN GREAT SECRECY SEPT 15, COMMUNICATED NEW U.S. POSITION AND ASKED QUESTIONS ABOUT VC DOCUMENT OF SEPT 11. THO ASKED QUESTIONS ON MODALITIES OF ELECTIONS IN SVN AFTER C-F, IN PRELIMINARY STEP BEFORE NEGOTIATIONS WERE TO ENTER FINAL STAGE. AT WH NEWS CONFERENCE ON SEPT 16, HAK SOUNDED CAREFULLY OPTIMISTIC NOTE, THEN RETURNED TO PARIS FOR MORE MEETINGS AND ON SEPT 26 FORMALLY PRESENTED U.S. PROPOSAL FOR TRIPARTITE ELECTORAL COMMISSION. HAIG WAS SENT TO SAIGON TO WORK ON THIEU. THO, WITH NEW INSTRUCTIONS, GAVE IMPRESSION OF RECEPTIVITY. HAK RETURNED TO WASHINGTON HIGHLY ENCOURAGED, TOLD ASSOCIATES HE THOUGHT VN "CANCER" COULD BE REMOVED BEFORE NOVEMBER ELECTIONS.

H. OCT. 8 MARKED BREAKTHROUGH IN VN PEACE TALKS IN PARIS. THO OPENED CONVERSATION BY SAYING THAT INASMUCH AS HAK

WAS ANXIOUS TO SETTLE WAR BEFORE US ELECTIONS, THE N VIETS HAD BROUGHT DOCUMENT TO SERVE AS DRAFT PEACE AGREEMENT. HIGHLIGHTS OF PLAN WERE IMMEDIATE C-F IN PLACE, TOTAL U.S. WITHDRAWAL FROM VN, AND RETURN OF ALL U.S. POW'S WITHIN 60 DAYS. POLITICALLY, ALL VN TO BE ONE COUNTRY, TEMPORARILY DIVIDED. TO BRING ABOUT EVENTUAL UNITY, N VIETS OFFERED VAGUE POLITICAL PROCESS IN SVN WHERE AN "ADMINISTRATIVE STRUCTURE" WOULD IN SOME WAY ESTABLISHED PRIOR TO ELECTIONS. DOCUMENT APPEARED TO SEPARATE MIL AND POLITICAL ISSUES - CERTAINLY NOT MAKING C-F CONTINGENT ANY MORE ON A POLITICAL SOLUTION - AND IN THIS SENSE MET HAK'S CONCEPTUAL APPROACH. ABOVE ALL, UNCLASSIFIED

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HANOI NO LONGER DEMANDED THIEU'S OUSTER AS A PRIORI CONDITION.

HAK INDICATED THAT HE WAS WILLING TO ACCEPT DOCUMENT AS BASIS FOR NEGOTIATIONS. AFTER MEETING ADJOURNED, HAK INSTRUCTED HIS STAFF AIDES TO DRAFT A COUNTERPROPOSAL OVERNIGHT BECAUSE HE SAID THE HANOI DRAFT PLACED ALMOST ALL OPERATIONAL OBLIGATIONS ON THE U.S. AND SVN, AND VIRTUALLY

NONE ON NVN, EXCEPT TO CEASE FIRING AND RETURN POW'S; HANOI'S TROOPS WERE NOT EXPECTED TO GO HOME. ALSO, ONE OF HAK'S IDEAS WAS THAT THERE SHOULD BE A NATIONAL COUNCIL OF RECONCILIATION AND CONCORD (NCRC) IN SAIGON IN LIEU OF "ADMINISTRATIVE STRUCTURE." COUNCIL WOULD OPERATE ALONGSIDE THIEU REGIME AND ELECTORAL COMMISSION DURING PRE-ELECTION PERIOD. WHEN DRAFT PRESENTED, HAK WAS FURIOUS WITH STAFF, CALLING DRAFT "TOO HARD-NOSED;" SAID HE WANTED TO MEET HANOI POSITION, AND KEEP A NUMBER OF ISSUES OPEN FOR FURTHER DISCUSSION.

BEFORE OCT. 9 MEETING WITH THO, HAK SENT TELEGRAM TO BUNKER INFORMING HIM BRIEFLY OF SITUATION AND INSTRUCTING HIM TO TELL THIEU. TRYING TO MAXIMIZE HIS NEGOTIATING FREEDOM, HAK SENT ONLY SCANT REPORTS TO SAIGON AND EVEN TO PRES.

ON OCT 11, HAK AND THO REACHED AGREEMENT IN PRINCIPLE ALTHOUGH TWO UNRESOLVED ISSUES: RELEASE OF CIVILIAN PRISONERS IN SVN (HAK DID NOT WANT TO PRESS THIEU ON THIS POINT), AND CESSATION OF ALL MIL AID BY U.S. TO SVN AND BY NVN TO VC (AND TO NVN REGULARS IN SVN) EXCEPT ON ONE-TO-ONE REPLACEMENT BASIS; BOTH POINTS MOST TROUBLESOME IN SUBSEQUENT TALKS. HAK TOLD THO THAT HE HAD TO SEEK PRES. APPROVAL BEFORE THERE COULD BE MEETING ON OCT 17 TO FINALIZE AGREEMENT, BUT THO INSISTED ON UNDERSTANDING THAT PEACE ACCORD WOULD BE SIGNED OCT. 31.

N VIETS, WHOSE MIL FORTUNES IN SVN WERE DECLINING, EVIDENTLY WANTED SIGNING BEFORE U.S. ELECTION. THEY EXPRESSED CONCERN TO AMERICANS THAT AFTER U.S. ELECTION, PRES'S POSITION MIGHT HARDEN AND AGREEMENT MIGHT GET UNCLASSIFIED

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UNHINGED. HAK, WHO TOLD THO ON 6 DIFFERENT OCCASIONS THAT SAIGON'S CONCURRENCE HAD TO BE OBTAINED FOR SIGNING, RELATED LATER THAT N VIETS FOUGHT FOR OCT. 31 DATE "ALMOST AS MANIACALLY AS THEY FOUGHT THE WAR". ON OCT 12, HAK PRESENTED DRAFT AGREEMENT TO NIXON, ROGERS AND SEVERAL DOS EXPERTS, INCLUDING SULLIVAN AND ALDRICH. CONSENSUS WAS THAT DRAFT WAS BASICALLY ACCEPTABLE THOUGH NUMBER OF PROVISIONS NEEDED TIGHTENING.

HAK PLANNED OCT 17 RETURN TO PARIS FOR FINAL MEETING AND THEN ON TO SAIGON FOR WRAP-UP CONFERENCES WITH THIEU OCT 19 AND 23. THEN HE WOULD FLY SECRETLY TO HANOI TO INITIAL AGREEMENT ON OCT 24; AND PEACE ACCORD WOULD BE SIGNED BY FOUR FOREIGN MINISTERS IN PARIS OCT 31.

I TEXTUAL DIFFERENCES REMAINED BETWEEN TWO SIDES WHEN HAK, SULLIVAN AND ALDRICH MET WITH THUY ON OCT 17. THUY TOLD HAK THAT FINAL DETAILS PRESUMABLY COULD BE WORKED OUT IN HANOI AFTER HAK ARRIVED THERE FROM SAIGON. HAK AND SULLIVAN ARRIVED IN SAIGON ON OCT 19. THIEU REACTED WITH UNDISGUISED FURY WHEN HE SAW DRAFT AGREEMENT FOR FIRST TIME. TEXT HE WAS SHOWN WAS INCOMPLETE - PROVISIONS FOR RELEASE OF CIVILIAN PRISONERS IN SVN AND QUESTION OF MIL EQUIPMENT REPLACEMENTS REMAINED SUBJECT TO FURTHER NEGOTIATIONS - BUT THIEU OPPOSED MOST OF CLAUSES THAT WERE WRITTEN INTO IT. THIEU SAID HE WAS NOT READY FOR C-F AND THAT HE COULD NOT UNDERSTAND WHY AMERICANS HAD GIVEN UP DEMANDS FOR INDOCHINA-WIDE C-F IN FAVOR OF VN TRUCE ALONE. HE CLAIMED THAT MOST IMPORTANT FLAW IN PROPOSED AGREEMENT WAS THAT NVA NOT REQUIRED TO LEAVE. THIEU ACCUSED HAK OF NEGOTIATING BEHIND HIS BACK AND THEN DEMANDING HIS ENDORSEMENT IN THREE DAYS. HE TOOK EXCEPTION TO CONCEPT OF TRIPARTITE COMMISSION AND TO EXPRESSION "ADMINISTRATIVE STRUCTURE" WHICH WAS STILL IN TEXT. HAK ARGUED THAT PROPOSED AGREEMENT, COMBINED WITH US GUARANTEES, GAVE THIEU REGIME "FIGHTING CHANCE" AND "DECENT INTERVAL" AFTER C-F AND THE INEVITABLE US WITHDRAWAL. STILL, HAK THOUGHT THIEU WOULD IN THE END BE PERSUADED, AND SO ADVISED NIXON FROM SAIGON. LATE OCT 21, NIXON SENT MESSAGE TO HANOI SAYING THAT DESPITE FEW REMAINING PROBLEMS "TEXT OF THE AGREEMENT COULD BE UNCLASSIFIED

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CONSIDERED COMPLETE" AND PEACE COULD BE SIGNED ON OCT 31.
PLAN WAS STILL FOR HAK TO GO TO HANOI OCT 24.

WHILE HAK KEPT NEGOTIATING WITH THIEU, HE SENT
SULLIVAN TO BRIEF LAOTIAN PREMIER IN VIENTIANE AND THAI
LEADERS IN BANGKOK. SULLIVAN TOLD THAIS THAT AS PART
OF PEACE AGREEMENT THE N VIETS WOULD WITHDRAW FROM LAOS
AND CAMBODIA. IF HANOI VIOLATED COMMITMENT, U.S. WOULD
"OBLITERATE" NVN. THIS NOT ENTIRELY ACCURATE. U.S.
NEVER HAD FIRM COMMITMENT FROM HANOI ON QUITTING CAMBODIA,
ALTHOUGH IT HAD SECRET ASSURANCES THAT LAOS TRUCE COULD
BE ARRANGED. HAK MADE QUICK TRIP TO PP TO CONFER WITH
LON NOL, BUT DID NOT SHOW HIM PEACE PLAN OR TELL HIM
HANOI RESISTED COMMITMENT ON ENDING CAMBODIAN FIGHTING.
INSTEAD, HE PRESSED LON NOL TO SEEK UNILATERAL C-F.

J. HAK AND BUNKER HELD LAST MEETING WITH THIEU OCT 23,
AND DESPITE HAK'S ENTREATIES, THIEU REMAINED OPPOSED.
HAK CANCELLED HANOI TRIP AND RETURNED TO WASHINGTON.

N. VIETS CONCLUDED THAT AMERICANS HAD USED THEM FOR
DOMESTIC POLITICAL PURPOSES AND RENEGING ON AGREEMENT
REACHED IN PARIS EARLIER IN THE MONTH. THEY RESPONDED

BY OCT 25 BROADCAST DISCLOSING HIGHLIGHTS OF AGREEMENT.
HAK AND NIXON DECIDED TO HOLD NEWS CONFERENCE OCT 26 TO
EXPLAIN. HAK'S OVERWHELMING CONCERN WAS THAT HANOI NOT
THINK IT BEING DECEIVED BY U.S. WITH NIXON APPROVAL, HE
USED EXPRESSION "PEACE IS AT HAND" AND THAT ONLY FEW
MORE MEETINGS WITH N VIETS WERE REQUIRED TO IRON OUT
FINAL DETAILS. POINT WAS TO REASSURE HANOI AND WARN
SAIGON THAT U.S. WAS DETERMINED TO CONCLUDE PEACE. JUST
AS IMPORTANTLY, STATEMENT SERVED TO UNDERCUT MCGOVERN
2 WEEKS BEFORE ELECTION. HAK WAS DEEPLY CONCERNED THAT
NEGOTIATIONS WOULD COLLAPSE BECAUSE OF SAIGON OPPOSITION.
WHILE IN SAIGON, HE URGED NIXON TO SUSPEND BOMBING
NORTH OF 20TH PARALLEL AS GOODWILL GESTURE. HE EVEN
SUGGESTED END OF U.S. TACTICAL AIR SUPPORT TO ARVN TO
SHOW ANNOYANCE WITH THIEU. NIXON AGREED TO FORMER, BUT
NOT THE LATTER.

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AT OCT 26 TV PERFORMANCE HAK WAS, IN EFFECT,
TELLING HANOI THAT U.S. WOULD DELIVER DESPITE UNEXPECTED
DELAY. SOME OF HAK'S COLLEAGUES SAY HE DID NOT BELIEVE

AT THAT POINT THAT PEACE WAS REALLY "AT HAND", BUT THAT HE WAS ANXIOUS TO COMMIT NIXON TO QUICK PEACE AND KEEP MCGOVERN ON DEFENSIVE.

AFTER ELECTION, HAIG DISPATCHED TO SAIGON TO DISCUSS "MINIMUM CHANGES" TO BE NEGOTIATED WITH HANOI. HAIG TOLD THIEU HE SHOULD NOT TAKE TOO MUCH COMFORT FROM U.S. ELECTION, WARNING HIM THAT ALTHOUGH WASHINGTON WOULD DO ITS BEST TO IMPROVE TERMS, IT WOULD NOT GIVE UP COMMITMENT FOR TRIPARTITE ELECTORAL COMMISSION. HAK RETURNED TO PARIS ON NOV 20 FOR NEW ROUND OF TALKS WITH THO, BUT AGAIN MISCALCULATED SITUATION. ON NIXON'S INSTRUCTION, HE CONVINCED N VIETS TO INCLUDE IN TEXT A DEFINITION OF DMZ AS PROVISIONAL POLITICAL DIVISION. THIS WAS DESIGNED TO PACIFY THIEU. HAK ALSO READ "FOR THE RECORD" A SVN DOCUMENT DEMANDING 69 CHANGES IN TEXT. ON NOV 21, HAK RETRACTED ABOUT HALF OF THESE PROPOSED CHANGES.

K. ON DEC 4, HAK AND HAIG BACK IN PARIS FOUND NEW ATTITUDE ON THO'S PART. HAK'S IMPRESSION WAS THAT HANOI SUDDENLY DEVELOPED "COLD FEET" ABOUT SITUATION. BATTLEFIELD CONDITIONS WERE TURNING AGAINST COMMUNISTS, WHILE U.S. WAS RUSHING SOME \$1 BILLION WORTH OF NEW MIL EQUIPMENT TO SVN TO BEAT C-F DEADLINE. JET FIGHTER-BOMBERS WERE BEING BORROWED FROM SK, TAIWAN AND IRAN TO BEEF UP VNAF. HANOI'S STRATEGIC DOCTRINE CALLED FOR C-F ONLY UNDER OPTIMAL CONDITIONS; THE N VIETS MIGHT BE

RETHINKING THE ENTIRE AGREEMENT.

ON DEC 14, BEFORE RETURNING HANOI, THO GAVE HAK TEXT OF PROTOCOL FOR IMPLEMENTING C-F WHICH AMERICANS FOUND UNSATISFACTORY.

SULLIVAN AND PORTER LEFT BEHIND IN PARIS TO CONTINUE TECHNICAL TALKS WITH N VIETS. ON DEC 15, WHEN DELEGATIONS MET, N VIETS PROPOSED 16 CHANGES IN TEXT, REOPENING PART OF NEGOTIATIONS. AMONG OTHER THINGS THEY UNCLASSIFIED

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NOW DEMANDED THAT RELEASE OF U.S. POW'S BE CONDITIONAL ON FREEING CIVILIAN PRISONERS HELD BY SAIGON. UNTIL THEN, MATTER OF PRISONERS HAD BEEN LEFT FOR NEGOTIATIONS TO COME AFTER TRUCE BETWEEN THE TWO VN FACTIONS. SULLIVAN AND PORTER PASSED THIS TO HAK, WHO ORDERED STAFF TO PREPARE PAPER ON HANOI'S "PERFIDY", TO FORM BASIS OF HIS WASHINGTON PRESS CONFERENCE NEXT DAY.

CLOSE STUDY OF DOCUMENTS SUGGEST, HOWEVER, THAT ASIDE FROM REOPENED QUESTION OF POW'S, DIFFERENCES

BETWEEN HANOI AND WASHINGTON WERE NOT ALL THAT GREAT. THERE WAS NO AGREEMENT ON DMZ CLAUSE, NOR HAD HANOI YET AGREED TO REPLACE TERM "ADMINISTRATIVE STRUCTURE" WITH NCRC - THOUGH DIFFERENCES ALONE HARDLY SEEMED TO JUSTIFY NEW BOMBINGS.

WHY DID PRES ORDER DEC 18 BOMBING ? THEORY PRIVATELY HELD AMONG MANY KEY OFFICIALS IS THAT HE AND HAK HAD DECIDED, GIVEN BATTLEFIELD SITUATION, THAT DRASTIC ACTION WAS NECESSARY TO DISCOURAGE PRO-WAR FACTION IN NVN POLITBURO FROM FORCING RECONSIDERATION OF PEACE AGREEMENT. FROM INTELLIGENCE SOURCES, AMERICANS KNEW THAT OCT DECISION TO GO FOR SETTLEMENT CARRIED BY SMALL MARGIN IN POLITBURO. WH FEARED THAT IN A CHANGED MIL CONTEXT, BALANCE MIGHT SHIFT IN HANOI IN FAVOR OF FACTION ADVOCATING PROTRACTED WARFARE. THESE OFFICIALS BELIEVE THAT U.S. LAUNCHED CHRISTMAS BOMBING TO FORCE HANOI TO MAKE "MARGINAL DECISIONS" ABOUT CHANGES IN AGREEMENT. ONE PARTICIPANT REMARKED AT THE TIME THAT "WE ARE BOMBING THEM TO FORCE THEM TO ACCEPT OUR CONCESSIONS". VIEW OF MANY OFFICIALS, AS THIS LATEST BIT OF BRINKMANSHIP DEVELOPED, WAS THAT POW QUESTION, DISPUTES OVER TRUCE SUPERVISION MECHANISM AND NCRC, COULD HAVE BEEN RESOLVED WITHOUT BOMBING.

ADMIN REALIZED THAT FOR INTERNATIONAL AS WELL AS DOMESTIC REASONS, BOMBINGS WERE NOT SUSTAINABLE INDEFINITELY. THEORY BORNE OUT BY FACT THAT ON DAY BOMBING RESUMED, HAIG FLEW TO SAIGON WITH SECRET LETTER FROM NIXON URGING THIEU TO ACCEPT SETTLEMENT. HAIG

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TOLD THIEU U.S. WOULD SIGN AGREEMENT IF HANOI WOULD MAKE A FEW CHANGES IN TEXT. BUT IF THIEU REMAINED ADAMANT, HE COULD NO LONGER COUNT ON U.S. ASSISTANCE. ON DEC 21, THIEU HANDED HAIG LETTER FOR NIXON SAYING HE HAD BEEN GIVEN AN ULTIMATUM AND COULD NOT BELIEVE U.S. PRES WOULD DEAL IN SUCH A MANNER WITH AN ALLY.

EVIDENTLY HANOI FELT EARLY IN JAN THAT IT HAD TAKEN ALL PUNISHMENT IT COULD TAKE, AND PROPOSED RESUMPTION OF NEGOTIATIONS. IRONICALLY, U.S. DISCOVERED FROM INTERCEPTED N VIET TACTICAL COMMUNICATIONS, HANOI HAD ONLY TWO-DAY SUPPLY OF SAM ANTI-AIRCRAFT MISSILES ON HAND WHEN BOMBING STOPPED.

PARIS MEETING RESUMED JAN 7, 1973. IN HAK'S VIEW, U.S. WAS NOW IN EXCELLENT POSITION TO OBTAIN AGREEMENT.

THIEU WAS MUCH MORE AMENABLE TO ACCEPTING BASIC TEXT
IN VIEW CHRISTMAS BOMBINGS: HIS RELATIVE MIL POSITION
HAD IMPROVED.

L. NEGOTIATIONS CONCLUDED JAN 13, LARGELY ON U.S.
TERMS AS CONCEIVED IN NARROW MECHANICAL SENSE. HAK
SEEMED MORE INTERESTED IN TECHNICAL MODALITIES - ONCE
NVN REVERTED TO ITS ORIGINAL POSITION ON POW'S - AND GAVE
IMPRESSION HE HAD LOST INTEREST IN REST OF INDOCHINA'S
POLITICAL FATE. HE ALSO WON HIS POINTS ON RECONCILIATION
COUNCIL.

HE RECEIVED SECRET COMMITMENT THAT LAOS TRUCE WOULD
FOLLOW VN AGREEMENT BY 20 DAYS, BUT PUSHED LITTLE FOR
PLEDGE OVER CAMBODIA, ALTHOUGH HE WAS TO INSIST PUBLICLY
HE HAD RECEIVED ONE.

U.S. NEGOTIATORS MOST WANTED TEXT WITH MAXIMUM
AMBIGUITY OF LANGUAGE TO GIVE U.S. ALL FLEXIBILITY
POSSIBLE IN SUPPORTING SVN MILITARILY AFTER TRUCE. BUT
THEY ALSO ENTERED INTO SERIES OF SECRET, HERETOFORE
UNPUBLICIZED AGREEMENTS WITH HANOI, MOST OF THEM UN-
FULFILLED, PRESUMABLY AS QUID PRO QUO FOR AMBIGUITIES
ELSEWHERE. GEORGE ALDRICH'S SECRET DOS DOCUMENT,
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"INTERPRETATIONS OF THE AGREEMENT ON ENDING THE WAR AND
RESTORING PEACE IN VN", WELL REFLECTED FRAME OF MIND OF
HAK TEAM, SECRET COMMITMENTS AND DELIBERATE AMBIGUITIES.

MOST IMPORTANT COMMITMENT CONCERNS U.S. CIVILIAN
PERSONNEL WORKING WITH ARVN. ADLRICH REPORTED U.S. ASSUR-
ED DRV MAJORITY OF USG CIVILIAN PERSONNEL WOULD BE OUT

WITHIN 10 MONTHS, INCLUDING THOSE HAVING PRINCIPAL
DUTIES WITH GVN ARMED FORCES; BUT COMMITMENT REMAINS
UNFULFILLED AT END OF MAY 1974, FOR THERE ARE ESTIMATED
9000 U.S. CIVILIANS IN SVN, MOST ENGAGED DIRECTLY OR
INDIRECTLY IN SUPPORTING ARVN, ESPECIALLY IN AVIATION.

DOS PAPER EXPRESSES DOUBTS WHETHER U.S. DELIVERIES
TO SVN OF MORE SOPHISTICATED F-5E JETS FOR F-5A
ARE IN ACCORD WITH ART. 7 OF AGREEMENT PROVIDING ONE-FOR
ONE REPLACEMENT OF EQUIPMENT, AND CONCLUDES GVN MUST
PREPARE TO JUSTIFY REPLACEMENT ON GROUNDS OF SUBSTANTIAL
SIMILARITY.

ONE MAJOR WEAKNESS IN AGREEMENT - DEFINITION OF
AREAS OF CONTROL BY OPPOSING PARTIES IN SVN - IS ALSO
SPELLED OUT IN DOS PAPER'S ACKNOWLEDGEMENT THAT TPJMC

"IS LEFT WITH NO GUIDANCE ON HOW TO DETERMINE THE AREAS OF CONTROL" IN SVN.

U.S. HASTILY TRANSFERRED TITLE TO MUCH OF MILITARY EQUIPMENT TO GVN BEFORE C-F BECAME EFFECTIVE, BUT NO DETERMINATION WAS POSSIBLE WHETHER TRANSFER OF TITLE OR OF POSSESSION IS CRITICAL ACT. ALDRICH WROTE THAT ON BASIS OF LANGUAGE AND ABSENCE OF RELEVANT NEGOTIATING HISTORY, "WE CAN MAKE A REASONABLE CASE, BUT WE MUST RECOGNIZE THAT IT IS FAR FROM COMPELLING."

ALSO AMONG U.S. COMMITMENTS MADE PUBLIC WAS PLEDGE OF ECONOMIC AID FOR NVN RECONSTRUCTION; BUT IN LIGHT OF CONGRESSIONAL CRITICISM, ADMINISTRATION MADE KNOWN IT WAS IMPOSSIBLE TO REACH ACCORD WITH HANOI.

FITTING FOOTNOTE TO WHOLE EXTRAORDINARY HISTORY THAT UNCLASSIFIED

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ADMINISTRATION CHOSE TO MISREPRESENT STATE OF AFFAIRS CONCERNING ECONOMIC TALKS. THUS, MAURICE WILLIAMS REPORTED MARCH 27, 1973 THAT VIRTUALLY COMPLETE AGREEMENT HAD BEEN REACHED ON OPERATING PROCEDURES TO GOVERN PROVISION OF U.S. AID TO HANOI. WILLIAMS STATED THAT SINGLE UNRESOLVED POINT INVOLVED HOW NVN WAS TO REPORT ON HOW AID WOULD BE USED. ADMINISTRATION, DECIDING TO DROP WHOLE PROJECT FOR POLITICAL REASONS, NEVER MADE PUBLIC THAT U.S. HAD BEEN ONE STEP AWAY FROM ACCORD WITH HANOI.

M. FEW CONCLUSIONS.

1. AGREEMENT WITH HANOI WAS PROBABLY POSSIBLE IN

DEC 72, WITHOUT FINAL PAROXYSMS OF CHRISTMAS BOMBING. IMPRESSION IS ADMINISTRATION TOOK ADVANTAGE OF HANOI'S POLITICAL HESITATION IN 1972 TO INFLICT GREATEST POSSIBLE DAMAGE TO NVN SO THIEU COULD ACCEPT AGREEMENT.

2. CHRISTMAS BOMBINGS DESIGNED TO INDUCE THIEU TO SIGN PARIS AGREEMENT, BUT WAS ALSO PRICE THAT HAD TO BE PAID FOR HAK'S MISCALCULATION OF THIEU'S RESPONSES TO SEPT AND OCT 72 PROPOSALS ON WHICH HE WAS NEVER CONSULTED ADEQUATELY.

3. IN FAIRNESS TO HAK, MUST BE RECOGNIZED THAT SETTLEMENT BECAME POSSIBLE ONLY IN OCT WHEN HANOI AND VC DROPPED DEMANDS THAT THIEU BE OUSTED AS SINE QUA NON. BUT HANOI MIGHT HAVE BEEN READY EARLIER FOR COMPROMISE IF HAK HAD NOT WAITED UNTIL SPRING 1972 TO TELL RUSSIANS

U.S. NO LONGER INSISTED ON NVA EVACUATION FROM SOUTH
BUT WOULD GO FOR POLITICAL DEAL ON BASIS OF TRIPARTITE
COMMISSION.

4. MUST HAVE BEEN PREDICTABLE FROM VERY OUTSET
THAT NVN WOULD NEVER LEAVE SOUTH; NO SATISFACTORY
REASON FOR HAK TO HAVE REFUSED RECOGNIZING REALITY
FOR THREE YEARS.

5. REMARKABLE AND INSTRUCTIVE TO NOTE EXTREMELY
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CLOSE PARALLELS BETWEEN 1972 NEGOTIATIONS AND 1968 US-NVN
NEGOTIATIONS CONCERNING CESSATION OF BOMBING OF NORTH.
IN BOTH CASES, WOULD APPEAR CRITICAL FACTOR SO FAR
AS TIMING WAS CONCERNED WAS IMPENDING PRESIDENTIAL ELEC-
TION.

6. NEGOTIATION STORY OFFERS UNIQUE INSIGHT INTO
HAK'S BRILLIANCE, STAMINA AND TACTICS. CONCEAL-
MENT, PARTIAL OR COMPLETE, WAS ESSENTIAL PART OF HIS
POLICY.

7. THIEU REMAINS IN POWER YEAR AND HALF AFTER
PARIS SIGNINGS; BUT HE CANNOT SURVIVE WITHOUT CONTINUING
U.S. SUPPORT.

8. SO LONG AS U.S. SUPPORTS THIEU GOVT IN ANY
MAJOR WAY AND SO LONG AS PRESSURE TO REMOVE THAT GOVT
CONTINUES FROM HANOI, THERE WILL BE CONTINUING CONFLICT
WITH POTENTIAL TO ESCALATE AGAIN INTO INTERNATIONAL
ISSUE. THUS, VN REMAINS THREAT TO DETENTE, EVEN IF
DIMINISHED ONE.

N. BY SEPTTEL WE ARE TRANSMITTING TO ADDRESSEES EXTENDED
VERBATIM EXCERPTS THIS ARTICLE WHICH WILL BE OF PARTI-
CULAR INTEREST TO EMBASSY SAIGON. KISSINGER

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